

NOTE: These minutes do not constitute a verbatim transcription of the CPC meeting.

**CITY PLANNING COMMISSION
REGULAR MEETING
March 2, 2006**

APPROVED

Call to Order: The meeting was called to order by Chairperson Arthur Simons in the Committee of the Whole Room, 13th Floor of the Coleman A. Young Municipal Center, at 4:40 PM.

Roll Call: Present at the meeting were Commissioners Glaser, Glenn, Jeffrey, Simons, Smith, Wendler and Williams. Absent were Commissioners Cason (excused) and Christensen (excused).

Agenda: The Agenda was amended to include a discussion with Medina Noor, Director, Department of Administrative Hearings (DAH), on the DAH.

Minutes: ACTION: Commissioner Glaser moved to approve the minutes of the Regular Meeting of January 19, 2006.
Commissioner Glenn seconded the motion.
Motion carried.

DISC.—
Dept.
of Admin.
Hearings: Medina Noor, Director of the Department of Administrative Hearings, presented an update on the Department of Administrative Hearings (DAH).

During the past year, the DAH has heard 41,400 blight violations cases and collected \$1.2 million in fees and fines.

The DAH is beginning to explore the expedition and enforcement of punishment of violations related to abandoned vehicles and lead based paint. The Department is also looking at taking its hearings to the community to bring the hearings closer to property owners cited for blight violations and to provide an educational opportunity for community members to observe what takes place at the DAH. Hearings could be held at such places as the Northwest Activities Center.

Commissioner Glenn inquired as to whether any operational changes would be made in 2006. He expressed concern that the community does not obtain any type information regarding hearing dates or feedback on the disposition of violations. He noted the Half Moon bookstore on 8 Mile Rd. In that case, the community was eventually given a letter as to its outcome. How can the community find out hearing dates, decisions, and dismissals? The community is still in the dark as to where cases stand.

Ms. Noor noted that in the future computer terminals would be provided at the DAH office for the public to access such information. The public will be able to type in a case number or other data to learn of hearing dates and dispositions.

Commissioner Glaser thanked Ms. Noor for her follow-up and assistance to a citizen living in the City Airport area who received a violation.

Commissioner Simons inquired as to whether the public is aware of the existence and operations of the DAH. He cited the need to better educate the community about the DAH. Ms. Noor believed that the community was definitely aware of the department. She cited ongoing communication via billboards, door-to-door announcements, mass mailing, appearances at community block club meetings, etc.

Upon questioning, Ms. Noor noted that the public should call Detroit's Call Center at 311 to report a blight violation and the DAH at 313-224-0098 to obtain information about a particular blight violation case.

Commissioner Jeffrey again recommended using the CPC meetings as a forum to educate the community on various initiatives being undertaken by the City. He suggested working with the media crew to disseminate information about the DAH. Information about the blight violation cases, case numbers, date of hearings, whom to call, where to go, etc. could be scrolled at the bottom of the screen for the television viewers. Mr. Loper responded that CPC staff would talk to the media crew in that regard.

In response to Commissioner Wendler, Ms. Noor anticipated an increase in the work load of the DAH given the recent termination of bulk pick-up service. Enforcement of the new regulations will be the key. The City will probably see a greater number of tickets being issued for violation of the new regulations.

Commissioner Wendler noted that since termination of the bulk pick-up service, the Courville containers are disappearing at an alarming rate. The Department of Public Works (DPW) charges a fee to replace a container and requires advance receipt of a money order prior to the replacement. Discussion may need to be held with the DPW to insure that containers are replaced as expeditiously as possible. The availability of containers to the public will assist in keeping Detroit clean. She encouraged people to have their home addresses placed on the containers.

Mr. Loper inquired as to whether information regarding the cases could also be placed on the City's website. This would eliminate the public having to travel to the DAH office to access information about the cases via the department's computer terminals. Ms. Noor felt that that was a good idea and would give it some thought.

Commissioner Glenn inquired as to where the \$1.2 million in collected fees and fines is going. Ms. Noor stated that it is going into the City's general fund but did not know into which account.

The Commissioners thanked Ms. Noor for the update.

PUBLIC
HRG.--
Request of
Mack-
Alter LLC
to rezone
3034-3046
Ashland
from R2 to
PD :

A public hearing was held on the request of Mack-Alter LLC to rezone three lots located at 3034-3046 Ashland between Mack and Charlevoix from R2 (Two Family Residential District) zoning classification to PD (Planned Development District) zoning classification. The property is located at the southern edge of, and included in, the recently constructed Mack-Alter Square Shopping Center

Present for the hearing were Michael Curis and Mark Thomas of Mack-Alter LLC and Danielle, Anthony and Michael Curis.

CPC staff member Gregory Moots reviewed the background information.

The subject lots were apparently purchased and developed subsequent to the rezoning of the rest of the site of the shopping center, which was rezoned to PD by Ord. No. 16-04 in 2004. The three lots are developed as a parking lot with a wall at the southern edge and are used for truck circulation for making deliveries to the rear of the retail building. The petitioner is requesting a rezoning to PD because this would include the lots under the same zoning classification as the adjacent lots and because the parking lot use is not permitted as a matter of right in the existing R2 zoning classification.

The recently amended Master Plan shows "PD" for the current rezoning concept for the general area and GC (General Commercial) for the Future Land Use.

CPC staff noted that the requested rezoning would make the entire retail center one zoning classification, PD.

Mr. Curis noted that it was an oversight on the part of Mack-Alter LLC when it inadvertently failed to include the three subject lots in the rezoning for the rest of the shopping center. Upon questioning, Mr. Curis noted that leases have been signed with 91% of the retail tenants; the remaining 9% is under negotiation.

The Commissioners congratulated the developers on the success of the retail center.

No one was present to speak in favor of or in opposition to the proposed rezoning.

CPC staff recommended approval of the rezoning.

**ACTION: Commissioner Glaser moved to accept the CPC staff recommendation.
Commissioner Smith seconded the motion.
Motion carried.**

Placement
of liens:

Commissioner Jeffrey requested CPC staff follow-up if the 30-day period for receipt of an update from the Law Department relative to the placement of liens on other properties owned by dangerous building owners in order to collect demolition costs has expired.

CPC Work
Program
Committee

The Commissioners agreed to schedule a meeting of the Work Program Committee on Monday, March 13, 2006, 12:00 noon to 2:00 PM in the CPC office conference room.

PUBLIC
HEARING—
Request of
Detroit
Wayne
County Port
Authority to
construct a
public dock
and
terminal
facility in
Downtown
Detroit:

A public hearing was held on the request of the Detroit Wayne County Port Authority (DWCPA) to modify the plans for an existing PD (Planned Development District) zoning classification to accommodate the construction of a public dock and passenger terminal facility on the riverfront at the foot of Bates Street in downtown Detroit.

Present for the hearing were W. Steven Olinek, Deputy Director, Detroit Wayne County Port Authority, and Dave Tobar and Tom Sherry of Hamilton Anderson and Associates, architect for the project.

CPC staff member Marcell Todd reviewed the request and addressed concerns raised at the Commission's January 19, 2006 informational presentation on this matter.

The DWCPA has been working toward the goal of this development for well over a decade, moving from one potential site to another. The facility will be designed to harbor and attract cruise ships and other transient vessels visiting the city. Vessels such as naval frigates, historical tall ships, racing yachts, tour boats and dinner cruisers requiring a place to dock could also be accommodated. The vision developed for the east riverfront included such a facility, and the proposed project is now recognized as an element of the redevelopment scheme complementing the work of the Detroit Riverfront Conservancy (DRFC) and the Detroit Economic Growth Corporation.

The building would be two stories tall and contain approximately 25,000 square feet of space. The structure would be clad in a combination of glass, metal and masonry materials. It would allow for ticketing, screening, baggage handling and embarking/disembarking of vessels, and would also house required equipment and infrastructure for transient operations, U.S. Customs and cruise line personnel. The facility would also house offices of the DWCPA and could be used for some special events.

The City's Master Plan of Policies may require an amendment in order for this proposal to move forward. The Generalized Future Land Use map for the Central Business District calls for office, retail and residential land uses in the area. However, Policy 301-12 does call for a feasibility study for a marine transportation passenger dock. This text seems to lend itself more toward a smaller scale facility like a water taxi or ferry dock than the sort of facility proposed under this request.

CPC staff noted that the subject property is a vacant 1.2 acre site along the River. It has good access via Atwater and Bates. However, heavy traffic periods may be problematic on occasion given the narrow width of these streets. For this reason, the designer has devoted a large portion of the ground floor level to vehicle staging and drop-off on-site. The drop-off area can handle buses, shuttles, and passenger vehicles in separately designated areas.

The site also has the unrealized potential for great pedestrian movement via the planned RiverWalk. The ground level waterside plaza runs concurrent with the planned RiverWalk. Serving the DWCPA, the plaza would provide for the movement and staging of passengers, personnel, and baggage between the proposed facility and vessels tied to the wharf. To the west of the site are Hart Plaza and the Civic Center Promenade. To the east at the

Renaissance Center is the General Motors (GM) Plaza and Promenade. The RiverWalk would run through the plaza along the water's edge connecting the existing segments. It is anticipated that the RiverWalk improvements shown on the conceptual site plan will be constructed at the same time as the DWCPA facility. That particular aspect of this proposal is being coordinated with the Detroit Riverfront Conservancy which holds the easement across the site, and GM, the former owner of the land. The treatment on the west side of the subject property would match the Civic Center Promenade. The treatment on the east side of the site would match that of GM.

The Office of Homeland Security warrants that an area of the RiverWalk will need to be secured from the public when international vessels, and possibly other ships as well, are docked at the facility. During those times, RiverWalk pedestrian traffic would be diverted off of the River and around the perimeter of the site. CPC staff noted that although not the most desirable circumstance, this reality would have to be addressed no matter where this facility is placed along the River.

CPC staff noted that the exterior of the structure attempts to combine a somewhat high tech look with some slightly more rustic nautical character. Materials and selected hues present much desired warmth and color to an otherwise cold and gray vista. The application of glass in the façade reduces the overall mass of the building and allows for some interplay between the interior and exterior activities. Signage, which is yet to be finalized, will complete the visual as depicted in the site plan drawings. In addition to the sign, a logo is to be added and some super graphics are being contemplated. Because the project falls within a PD zoning district, some additional latitude regarding storage is possible with CPC staff and City Council. The business sign ordinance provisions of Chapter 3 of the Detroit City Code will guide our review in this regard.

Mr. Olinek noted that the DWCPA received a \$6 million federal grant and other matching transportation and environmental grant monies for development of the new facility. The total project cost is \$11.5 million. The intent is to complement other developments along the Riverfront.

Commissioner Williams noted previously raised questions regarding the cost effectiveness of the project since it appeared the facility was being built to accommodate a ship that docks only once a year. Is the Port Authority trying to recruit more ships? Mr. Olinek noted the facility would be able to accommodate a Great Lakes international cruise ship that docks only once per season. However, the facility can accommodate the docking of other transient vessels such as frigates. The facility will not be called a "cruise" dock.

Commissioner Wendler expressed concern regarding the unkempt condition of the property developed as a parking lot immediately west of the subject site. Will any improvements be made to the west? Mr. Todd noted that at this point in time, property to the west is under the control of General Motors. Various parties have interest. Mr. Tobar noted that the DWPA had discussions and is working closely with the RiverWalk Conservancy and GM in that regard. Although the project is confined to the property owned by the DWPA, the DWPA is coordinating with them to provide complementary development. As the design of the port develops, the DWPA is trying to work with them.

Mr. Tobar explained constraints to the site noting non-buildable areas and limited vehicular access because of a seawall, poor soils, a retaining wall on Atwater, and a ten- foot easement leading to a pump house providing water to General Motors, the RenCen and other buildings.

Mr. Tobar reviewed the site plan.

Mr. Tobar responded to questions of Commissioner Wendler regarding the transparency of the facility. Sight lines to and from the facility will be enhanced to take advantage of its prominent location on the riverfront. A lot of glass is being included in the facility to preserve site lines to the water.

Mr. Tobar reviewed the pattern of circulation for embarking and disembarking passengers from a ship, pointing out areas of baggage pickup, customs clearance, and vehicular drop-off/pick-up. Parking will be off-site. The DWPA is in discussion with Miller Parking Garage for use of that facility.

Mr. Tobar cited the potential for the temporary shut down of the RiverWalk and the placement of temporary barriers to accommodate disembarking passengers from international ships and to address concerns of the Office of Homeland Security. He noted the location of the temporary RiverWalk bypass during those occasions.

Commissioner Williams questioned whether the Office of Homeland Security would approve the temporary barriers. What if Homeland Security mandates permanent barriers? Mr. Olinek noted that the Office has reviewed the DWCPA's plan for the placement of temporary and flexible barriers. There is no requirement for permanent barriers. The plan is consistent with what other cities do to temporarily segregate disembarking passengers until cleared through customs inspection.

Commissioner Simons inquired as to safeguards to address potential damage to the Detroit-Windsor tunnel from a dropped anchor. Mr. Olinek noted that the DWCPA is well aware of the constraints. In circumstances such as this, a ship's anchor is not used. When docking in this setting, vessels are tied-off to the shores. Ships docking at the facility will know this prior to entering the terminal.

Mr. Sherry reviewed the footprint for the first and second floors of the facility.

Materials for the facility predominantly consist of glass and lightweight precast concrete with a premium finish cold weather panel at the front door. The facility is to be certified as a "green" building. Sun shading devices will be incorporated into the roof. The River may be used as part of the cooling system. Mechanical equipment will be enclosed in a penthouse room on the roof. Roofscape will be visually attractive.

In response to Commissioner Williams, Mr. Olinek noted that the DWCPA employs a staff of less than 10. The facility will be able to accommodate additional staff.

Bruce Evans of the Planning and Development Department (P&DD) noted that the Department has not yet determined whether the proposal complies with the Master Plan. An opinion will be forwarded to the CPC as soon as possible.

Discussion ensued on whether the Commission should take action on the proposal given the absence of a determination by P&DD on compliance with the Master Plan. Mr. Loper noted that a recommendation of approval by the CPC could be conditioned on amending the Master Plan if the project is found to be inconsistent. If the P&DD determines that the project is inconsistent and refuses to amend the Master Plan, the Commission's recommendation would be null and void.

Upon questioning, Mr. Todd noted issues raised by the staff of the urban design unit of P&DD. P&DD and CPC staff are confident that the issues can be addressed as the approval process moves forward.

Mr. Todd noted that concerns with the stakeholders in the area, the Detroit Windsor-Tunnel, the Detroit RiverWalk Conservancy, and Riverfront Holdings, Inc., have generally been addressed. The Detroit Windsor Tunnel supports the project. It is aware of the issue of anchor drag but believes it will not be a problem given that vessels will be tied-off to the shore. The DWCPA has been in ongoing discussions with the RiverWalk Conservancy and Riverfront Holdings, Inc. CPC staff has received an electronic version of a letter of support from those organizations. Riverfront Holdings would like to be assured of the continuity and quality of materials for the bypass portion of the RiverWalk.

Commissioner Glenn expressed concern that the project would not move forward in an expeditious manner given the issues. He requested a report at the next meeting on status of moving the project forward.

CPC recommended approval of the project provided that with specific regard to the design and operation of the RiverWalk, the details of the alternative route's final design provide a RiverWalk experience, character, visual and physical continuity, operations and safety for all users, and that the design must reflect the RiverWalk common elements in the selection of lighting, paving materials/patterns, landscaping features and the like; that particular consideration be given to views of the roof from above and the screening of roof top units and the like from all views; that the developer continue to work with the P&DD and CPC staff and other agencies as appropriate toward the refinement of various aspects of the design of the facility; and that final site plans and elevations, landscaping, lighting and signage plans be submitted to the CPC staff for approval prior to the issuance of applicable required permits.

ACTION: Commissioner Wendler moved to accept the CPC staff recommendation. Commissioner Jeffrey seconded the motion.

Commissioner Williams recommended that approval also be predicated on the Office of Homeland Security's approval of the temporary barrier plan. It was clarified that if the Office of Homeland Security makes major changes to that security plan, the proposal should come back to the CPC for review.

Commissioners Wendler and Jeffrey accepted the amendment.

VOTE: Motion carried.

Deputy
Director's
Report:

Mr. Loper presented the Deputy Director's report.

CPC staff intends to provide an assessment of the impact of the new Zoning Ordinance which became effective in May 2005.

Commissioner Glenn cited the need to add additional funding for the Senior Home Repair program. He suggested that discussion on this topic take place at the March 13, 2006 meeting of the CPC Work Program Committee.

Commissioner Glaser inquired as to the status of preparation of a resolution supporting efforts of the Detroit Lead Partnership as discussed at the February 16, 2006 CPC meeting. Mr. Loper indicated that CPC staff would follow-up with the preparation.

Adj.:

The meeting was adjourned at 6:10 PM.